

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: STEVENS, Fred J. et al.  
Title: "DEVICE FOR DETECTING MOLECULES, METHOD FOR  
DETECTING MOLECULES"  
Serial No.: 09/368,989  
Filing Date: August 5, 1999  
Examiner: Dr. Lisa V. Cook  
Art Unit: 1641  
Attny Docket: 0003/00332

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited per 37 C.F.R. 1.8 with the United States Postal service as first class mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313 on March 24, 2004 (Date of Deposit).

Kimwanza S. Buford  
Name of Representative

Kimwanza S. Buford  
Signature

3-24-04  
Date of Signature

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

20 N. Wacker Drive  
Chicago, IL 60606  
312-621-1330

**Response to Notice of Noncompliance**

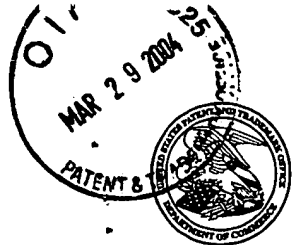
Dear Sir:

In response to the March 11, 2004 Notice of Non-Compliant Amendment, attached please find a complete listing of all claims. Also, attached is a photocopy of the Notice.

An earnest attempt has been made to comply with the Notice of Non-Compliant Amendment. If the examiner feels that a telephone call is necessary to expedite further prosecution on this matter, she is requested to contact the undersigned.

Respectfully Submitted,  
**CHERSKOV & FLAYNIK**

BY Michael J. Cherskov  
Michael J. Cherskov ( Reg # 33,664)



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,989	08/05/1999	FRED J. STEVENS	0003/00332	6185

7590 03/11/2004

CHERSKOV AND FLAYNIK  
C/O MICHAEL J CHERSKOV  
THE CIVIC OPERA BUILDING SUITE 1447  
20 NORTH WACKER DRIVE  
CHICAGO, IL 60606

EXAMINER

COOK, LISA V

ART UNIT	PAPER NUMBER
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1641

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/12/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Yanessa Blyther  
Legal Instruments Examiner (LIE)

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Telephone No.